

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18 CV 300 MR WCM

LEAH MORAN, individually  
and as executrix for the ESTATE  
OF HEATHER GRACE BOONE  
LEVITSKY

Plaintiff,

v.

POLK COUNTY, POLK COUNTY  
SHERIFF'S DEPARTMENT,  
TRANSYLVANIA COUNTY,  
TRANSYLVANIA COUNTY  
DETENTION CENTER, DONALD  
HILL, in his official and individual  
capacities, JOSHUA J. KUJAWA, in  
his individual capacity, SHELLEY  
STROUP, in her individual capacity,  
KYLE PASSMORE, in his individual  
capacity, JERRY MANN, in his  
individual capacity, MYLES B.  
MCCRARY, in his individual  
capacity, ROBBIE WORTHY, in his  
individual capacity, DAVID A.  
MAHONEY, in his official and  
individual capacities, NICHOLE  
BLACKWELL, in her individual  
capacity, UNKNOWN JOHN DOE  
EMPLOYEE OF TRANSYLVANIA  
COUNTY, in his individual capacity,  
and UNKNOWN EMPLOYEES OF  
TRANSYLVANIA COUNTY  
DETENTION CENTER, in their  
individual capacities,

Defendants.

ORDER

This matter is before the Court on Defendant Donald Hill's Motion to Substitute (the "Motion to Substitute," Doc. 51).

Defendant represents that "on December 4, 2018, Timothy Wright became the new Sheriff of Polk County," Doc. 52, p. 2, and "requests that this Court substitute Timothy Wright as a Defendant for him since he is no longer the Sheriff of Polk County." Doc. 51. Defendant further represents that Plaintiff's counsel consents to the substitution. Doc. 51, p. 2. Plaintiff's only remaining claims against Donald Hill are asserted in his official capacity.<sup>1</sup>

For the reasons stated, and pursuant to Federal Rule of Civil Procedure 25(d), Defendant Donald Hill's Motion to Substitute (Doc. 51) is hereby **GRANTED**. The Clerk is respectfully directed to amend the docket to reflect this substitution.

Signed: May 28, 2020



W. Carleton Metcalf  
United States Magistrate Judge



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<sup>1</sup> On September 20, 2019, all claims against Donald Hill in his individual capacity were dismissed. Doc. 41. Plaintiff has filed a Motion for Leave to File a Second Amended Complaint which proposes only official capacity claims against Donald Hill. Doc. 48-1.